

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Lewis Brisbois Bisgaard & §
Smith, LLP, §
Plaintiff, §
v. § Civil Action No.:
§ 4:22-cv-3279
Michael Joseph Bitgood a/k/a §
"Michael Easton," et al. §
Defendants. §

ORAL AND VIDEOTAPED DEPOSITION OF

BRADLEY BEERS

VOLUME 2

DECEMBER 7, 2023

ORAL AND VIDEOTAPED DEPOSITION OF

BRADLEY BEERS, produced as a witness at the instance
of the Plaintiff, and duly sworn, was taken in the
above-styled and numbered cause on Thursday,
December 7, 2023, from 11:36 a.m. to 12:23 p.m.,
before Cassandra Lee, CSR in and for the State of
Texas, recorded by machine shorthand, at the offices
of MUNCK WILSON MANDALA LLP, 1330 Post Oak Boulevard,
Suite 2850, Houston, Texas, pursuant to the Federal
Rules of Civil Procedure and the provisions stated on
the record or attached hereto; that the deposition
shall be read and signed before any notary public.

JOB NO. 17583

A P P E A R A N C E S

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DEFENDANT MICHAEL JOSEPH BITGOOD A/K/A MICHAEL EASTON,
APPEARING PRO SE:

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COUNSEL FOR THE DEFENDANT BRADLEY BEERS:

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THE VIDEOGRAPHER:

Mr. Randall Barrett

1 A I don't believe I discovered that and I did
2 not have any conversation with her about that.

3 Q (By Mr. Fisher) Okay. After the lawsuit was
4 filed, you still didn't have any conversations with
5 her about whether she should be using the name Lewis,
6 Brisbois, Bisgaard & Smith in any form?

7 A After this law --

8 MR. BITGOOD: Objection to the form.

9 What lawsuit? Please be specific. We
10 have a bunch of lawsuits between us.

11 Q (By Mr. Fisher) The only lawsuit we're
12 talking about is the one that you're appearing for
13 your deposition in today. So the lawsuit in federal
14 court in front of Keith Ellison.

15 A I did not have --

16 MR. BITGOOD: Okay. Thank you, sir.

17 A I did not --

18 MR. BITGOOD: Thank you, Mr. Fisher.

19 A I did not have any conversation with her
20 about whether the lawsuit -- I'm sorry -- whether she
21 should or should not continue to use the partnership
22 after this lawsuit was filed.

23 Q (By Mr. Fisher) Okay. Did you advise Sue
24 Norman to dissolve the partnership that was formed
25 that is of the same name as my law firm?

1 A No.

2 Q Did you advise Mr. Bitgood to dissolve the
3 partnership that you helped form that is known as
4 Lewis, Brisbois, Bisgaard & Smith, LLP, a Texas
5 general partnership?

6 A No.

7 Q Did you ever have any conversations with Sue
8 Norman about whether using the name Lewis, Brisbois,
9 Bisgaard & Smith as an entity that she was a part of
10 was a good idea or shouldn't be done or any words to
11 that effect?

12 A Not that --

13 MR. DUNWOODY: Objection; form.

14 MR. BITGOOD: Object to form.

15 A Not that I recall.

16 Q (By Mr. Fisher) So it was possible that
17 you did have a conversation with her regarding the
18 propriety of using the name Lewis, Brisbois,
19 Bisgaard & Smith?

20 MR. BITGOOD: Objection; form.

21 A I don't believe so. I just don't recall
22 having any conversations with Ms. Norman about the
23 partnership.

24 Q (By Mr. Fisher) Do you know whether your son
25 and associate, Baker Beers, had any conversations with

1 written partnership agreement?

2 A I do not believe that he did.

3 MR. BITGOOD: Object to the form.

4 Objection; form.

5 Q (By Mr. Fisher) Did you ask Ms. Norman
6 whether she knew that there was a law firm in town
7 named Lewis, Brisbois, Bisgaard & Smith?

8 A No.

9 Q Did you ask Mr. Bitgood if he knew that
10 there was a law firm in town named Lewis, Brisbois,
11 Bisgaard & Smith?

12 A No.

13 Q Do you know whether they knew that there was
14 a law firm in town named Lewis, Brisbois --

15 MR. BITGOOD: Objection --

16 Q (By Mr. Fisher) -- Bisgaard & Smith?

17 MR. BITGOOD: Objection; form, calls
18 for speculation.

19 A I believe they did.

20 Q (By Mr. Fisher) Okay. You had conversations
21 with them that led you to believe that they already
22 knew that there was a law firm named Lewis, Brisbois,
23 Bisgaard & Smith?

24 MR. DUNWOODY: Objection; form.

25 A My recollection is the firm had filed

1 MR. BITGOOD: Objection; form.

2 Q (By Mr. Fisher) -- or a bad idea?

3 MR. BITGOOD: Objection; form.

4 A I don't recall having a discussion at all
5 with Mrs. Norman about the filing of the entity. With
6 regard to Mr. Bitgood, I don't believe I had a
7 discussion with him about whether it was a good idea
8 or a bad idea. The California entity had lost the
9 authority to do business in Texas and it was possible
10 to register the name in Texas because the California
11 entity had lost the authority to do business.

12 Q (By Mr. Fisher) So you thought it was okay
13 to set up an entity named Lewis, Brisbois, Bisgaard &
14 Smith, LLP with Mr. Bitgood and Ms. Norman --

15 MR. DUNWOODY: Objection; form.

16 Q (By Mr. Fisher) -- in Texas in June of 2022
17 or late -- late May of 2022?

18 A I thought in -- I thought in late May of
19 2022, they had the legal right, if they wanted to form
20 an entity by that name, to form that entity in Texas
21 because it was available and the predecessor entity
22 had lost its authority and forfeited its right to do
23 business in Texas.

24 Q Have you understood all my questions?

25 A I believe so.

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REPORTER'S CERTIFICATION
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I, CASSANDRA LEE, a Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, BRADLEY BEERS, was duly
sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony
given by the witness;

That the deposition transcript was submitted
on _____, 20____, to the witness, or to the
attorney for the witness, for examination, signature,
and return to Infinity Reporting Group, LLC, by
_____, 20_____;

That the amount of time used by each party

at the deposition is as follows:

MR. BENNETT G. FISHER - 00:40

MR. MICHAEL J. BITGOOD A/K/A
MICHAEL EASTON - 00:07

MR. SAMUEL WALLACE DUNWOODY
IV - NONE

That pursuant to information given to the
deposition officer at the time said testimony was
taken, the following includes counsel for all parties
of record:

MR. BENNETT G. FISHER, ATTORNEY FOR PLAINTIFF

MR. MICHAEL J. BITGOOD A/K/A MICHAEL EASTON,
APPEARING PRO SE

MR. SAMUEL WALLACE DUNWOODY, IV, ATTORNEY FOR
DEFENDANT BRADLEY BEERS

I further certify that I am neither counsel
for, related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Certified to by me this the ____ day of
_____, 20____.

CASSANDRA LEE, TX CSR NO. 8900
Expiration Date: 02/28/24
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JOB NO. 17583